

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA, : Case No. 3:91cr0035
Plaintiff-Respondent, : Civil Case No. 3:05cv0202

vs. : District Judge Walter Herbert Rice
Magistrate Judge Sharon L. Ovington

GABRIEL CARL BARBER, :

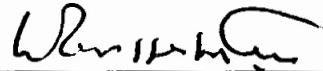
Defendant-Petitioner. :

**DECISION AND ENTRY ADOPTING THE REPORT AND RECOMMENDATIONS FILED
ON JUNE 6, 2005 (Case No. 3:91cr0035, Doc. #61); DENYING AND DISMISSING WITH
PREJUDICE GABRIEL CARL BARBER'S PETITION TO VACATE SENTENCE (Case No.
3:91cr0035, Doc. #59); DENYING A CERTIFICATE OF APPEALABILITY UNDER 28
U.S.C. §2253(C); AND TERMINATING THESE CASES ON THE DOCKET OF THIS
COURT**

The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Case No. 3:91cr0035, Doc. #61), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations. It is therefore **ORDERED** that:

1. The Report and Recommendations filed on June 6, 2005 (Case No. 3:91cr0035, Doc. #61) is **ADOPTED**;
2. Gabriel Carl Barber's Petition to Vacate Sentence (Case No. 3:91cr0035, Doc. #59) is **DENIED** and **DISMISSED** with prejudice;

3. A certificate of appealability under 28 U.S.C. §2253(c) shall not issue; and
4. These cases are terminated on the docket of this Court.



Walter Herbert Rice
United States District Judge